REMARKS

Claims 1-12 are pending in the application.

Claim 2-8 are objected to. Claims 2-8 have been amended as suggested by the Examiner. It is respectfully requested the objections be withdrawn.

Claims 1-12 are rejected under the judicially created doctrine of obviousness type double patenting over claim 1 of U.S. 6,094,419 (parent application). A Terminal Disclaimer has been filed with the present amendment. It is respectfully submitted the rejection is overcome.

Claims 1, 2, 5, 8 and 9 are rejected under 35 U.S.C. § 102(e) as anticipated by Kamo et al. (U.S. 5,610,918) (Kamo).

Kamo describes in col. 22, call admission control. In particular lines 41-46 teach a use requested band to calculate a use virtual band and detecting free band for the subscriber line. Therefore the call admission control taught by the cited reference is based on a requested bandwidth and the available free bandwidth. The free band can be calculated from the sum total of use requested bands and the physical maximum speed of the line (col. 13, lines 46-58).

In contrast applicant's claimed invention recites the measuring of the transmitted data through each channel in addition to the restricting of the traffic corresponding to the level of the traffic restrictive level which is operated concerning each channel. The cited reference does not teach nor suggest the measuring of the transmitted data. The reference only describes detecting a free band. As pointed out the free band can be calculated from the sum total of use requested bands and the physical maximum speed of the line (col. 13, lines 46-58) and is not the same as measuring of the transmitted data through each channel.

Applicant's claim 1 specifically recites: measuring a data quantity transmitted through each channel; operating a traffic restrictive level corresponding to the data quantity of each

channel which is measured, per channel, wherein the traffic restrictive level is a level to prevent excess of contract cell rate of the ATM network and has a plurality of levels.

Because the cited reference does not teach nor suggest the features of applicant's independent claims 1 and 9, it is respectfully requested the rejection be withdrawn. Dependent claims 2, 5, 8 are likewise allowable for at least the foregoing points.

Independent claims 10 and 12 each recite at least the above distinguishing feature.

Under 35 U.S.C. § 103(a) claims 3, 4, 6 and 7 are rejected as unpatentable over Kamo in view of Yamato et al. (Yamato). Claims 10-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kamo et al. in view of Sone (U.S. 5,675,642).

The Office Action asserts Yamato describes the traffic restrictive process corresponding to restrictive classes. Yamato in column 12, lines 33-39 describe monitoring of the congestion detection according to rules such as requested quality of service level and the priority level. The data transmitted from a first node to a second node is monitored and regulated by using a monitoring parameter.

Sone in column 13, is asserted to teach a frame relay control by the frame relay terminal control unit.

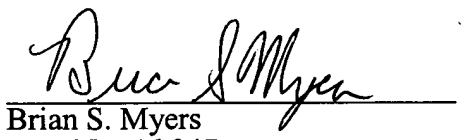
However neither of Yamato or Sone teach or suggest "a data quantity measurement portion measuring a data quantity transmitted through each channel;" which feature is likewise not found in the Kamo reference. It is respectfully requested the rejections of claims 3, 4, 6 and 7, 10-12 be withdrawn.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider

this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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